

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

UNITED STATES OF AMERICA,

Case No. 3:08-cr-00035-AA -3

Plaintiff,

OPINION AND ORDER

v.

JUAN ANTONIO SOTO-LOPEZ,

Defendant.

AIKEN, Chief Judge:

Defendant seeks a reduction of sentence pursuant to 18 U.S.C. § 3582(c)(2) and Amendment 782 of the United States Sentencing Guidelines (USSG). Defendant's motion is denied.


Defendant was sentenced to a mandatory minimum sentence of 120 months as required by statute, and Amendment 782 does not apply to his sentence and cannot provide the relief he seeks. See USSG § 1B1.10, app. n. 1(A) (a sentence reduction is not authorized if "an

amendment does not have the effect of lowering the defendant's applicable guideline range because of the operation of another guideline or statutory provision (e.g., a statutory mandatory minimum term of imprisonment)"); see also USSG § 5G1.1(b) ("Where a statutorily required minimum sentence is greater than the maximum of the applicable guideline range, the statutorily required minimum sentence shall be the guideline sentence.").

Accordingly, defendant's motion for reduction of sentence (doc. 307) is DENIED.

IT IS SO ORDERED.

Dated this 12 day of January, 2016.



Ann Aiken
United States District Judge